

No Military Commission Orders were issued in 2008

DEPARTMENT OF DEFENSE

Office of Military Commissions

1600 Defense Pentagon

Washington, DC 20301-1600

MILITARY COMMISSION ORDER
NUMBER 1

3 June 2009

Ali Hamza Ahmad Suliman al Bahlul, a/k/a "Abu Anas al Makki," a/k/a "Ali Hamza Ismael," a/k/a "Abu Anas al Yemeni," a/k/a "Muhammad Anis Abdulla Khalidi," (ISN 0039) of Yemen was arraigned and tried before a military commission convened at the U.S. Naval Station, Guantanamo Bay, Cuba, pursuant to Military Commission Convening Order No. 07-01, dated 1 March 2007, as amended by Military Commission Convening Order No. 07-05, dated 29 May 2007, and as amended by Military Commission Convening Order No. 08-03, dated 22 October 2008.

The accused was arraigned and tried on the following offenses and the following findings or other dispositions were reached:

Charge I: 10 U.S.C. § 950v(b)(28) Conspiracy. Plea: Not Guilty. Finding: Guilty.

Specification: From about February 1999 through about December 2001 did conspire and agree with Usama bin Laden, Saif al 'Adl, and other members and associates of al Qaeda, known and unknown, to commit one or more offenses triable by military commission, to wit: murder of protected persons; attacking civilians; attacking civilian objects; commit murder in violation of the Law of War; destruction of property in violation of the Law of War; terrorism; and providing material support for terrorism at various locations in Afghanistan and elsewhere, and did undertake several overt acts in furtherance of the conspiracy.

Plea: Not Guilty. Finding: Guilty, except the words "armed himself with an explosive belt, rifle, and grenades to protect and prevent the capture of Usama bin Laden." Of the excepted words: Not Guilty.

MCO No. 1, DoD, Office of Military Commissions, Washington, DC 20301-1600 dated 3 June 09 (continued)

Charge II: 10 U.S.C. § 950u Solicitation. Plea: Not Guilty. Finding: Guilty.

Specification: From about February 1999 through about December 2001 at various locations in Afghanistan, Pakistan, and elsewhere, did solicit several suspected al Qaeda operatives, known and unknown, to commit substantive offenses triable by military commissions, to wit: murder of protected persons; attacking civilians; attacking civilian objects; murder in violation of the Law of War; destruction of property in violation of the Law of War; terrorism; and providing material support for terrorism.

Plea: Not Guilty. Finding: Guilty.

Charge III: 10 U.S.C. § 950v(b)(25) Providing Material Support for Terrorism. Plea: Not Guilty. Finding: Guilty.

Specification: From about February 1999 through about December 2001, at various locations in Afghanistan and elsewhere, did intentionally provide material support and resources to al Qaeda, an international terrorist organization then engaged in hostilities against the United States of America, including violent attacks against United States' embassies at or near Nairobi, Kenya, and Dar es Salaam, Tanzania, on or about August 7, 1998; on the USS COLE at or near Aden, Yemen, on or about October 12, 2000; and at various locations in the United States on or about September 11, 2001; knowing that al Qaeda engaged in or engages in terrorism, and acting in support of al Qaeda's objectives.

Plea: Not Guilty. Finding: Guilty, except the words "arming himself with an explosive belt, rifle, and grenades to protect and prevent the capture of Usama bin Laden." Of the excepted words: Not Guilty.


SENTENCE

The following sentence was adjudged by the members on 3 November 2008:
Confinement for Life.

ACTION

In the case of Ali Hamza Ahmad Suliman al Bahlul, a/k/a "Abu Anas al Makki," a/k/a "Ali Hamza Ismael," a/k/a "Abu Anas al Yemeni," a/k/a "Muhammad Anis Abdulla Khalidi," ISN 0039, the sentence is approved and will be executed. The accused will be confined in such place as may be prescribed by the Commander, Joint Task Force Guantanamo Bay, Cuba, or superior authority.

BY DIRECTION OF SUSAN J. CRAWFORD, CONVENING AUTHORITY:


Donna L. Wilkins
Clerk of Court
for Military Commissions

DISTRIBUTION:

- 1-Accused (Mr. al Bahlul)
- 1-Military Judge (Col Gregory)
- 1-Trial Counsel (MAJ Cowhig)
- 1-Defense Counsel (Maj Frakt)
- 1-Clerk of Court, OMC
- 1-Clerk of Court, CMCR
- 1-OSD (OGC)
- 1-JTF GTMO (Detention Facility)
- 1-SJA, JTF GTMO
- 5-Original Record of Trial
- 1-Each Copy of the Record of Trial